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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE MERCK & CO., INC. VYTORIN/  
ZETIA SECURITIES LITIGATION

Civil Action No. 08-CV-2177 (DMC)

This Document Relates to:  
ALL ACTIONS

**DEFENDANTS' FIRST SET OF REQUESTS FOR THE PRODUCTION OF  
DOCUMENTS DIRECTED TO PLAINTIFFS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendants  
the company formerly doing business as Merck & Co., Inc., the name of which, as of November

**DOCUMENTS TO BE PRODUCED**

1. All documents referred to, or relied upon, in drafting the Complaint.
2. All documents and electronically stored information concerning Merck or Merck securities, including, but not limited to, any documents concerning any communications regarding Merck or Merck securities that are in the Plaintiffs' possession, custody or control.
3. All documents and electronically stored information concerning any proposed, contemplated or actual transaction by any Plaintiffs in any Merck security, including, but not limited to: (a) any document reflecting any communications, notes or memoranda of communications with any representatives of any Plaintiffs, or any securities dealers or brokers, tax or financial advisors, analysts, or other persons about Merck, any Merck security or any proposed, contemplated or actual transaction in any Merck security; (b) trade confirmations, monthly statements, and all other reports, summaries, or other documents concerning any transaction involving any Merck security; (c) margin agreements, pledge agreements, promissory notes, or any other documents, by which any Merck security was utilized by any of the Plaintiffs as security for any debt or obligation or by which any money was borrowed to purchase any Merck security; and (d) any income, including dividend and interest income, received from or paid on any Merck security.
4. All documents concerning any oral or written advice, recommendation or information pertaining to Merck or Merck securities which any Plaintiffs received prior to the purchase, redemption and/or sale of any Merck security.
5. All documents concerning any information upon which any Plaintiffs relied and/or examined prior to making the decision to purchase, retain, redeem, and/or sell any Merck security including, but not limited to, all documents concerning: (a) any due diligence,

22. All documents relating to Vytorin or Zetia including, but not limited to, any advice or information you received or obtained concerning Vytorin or Zetia, or any published material you received or obtained concerning Vytorin or Zetia.

23. All documents relating to ENHANCE, including, but not limited to, any advice or information you received or obtained concerning ENHANCE, or any published materials you received or obtained concerning ENHANCE.

24. All documents relating to Merck's financial condition, including, but not limited to, any advice or information you received or obtained concerning Merck's financial condition.

25. All documents relating to your allegations that Defendants made false statements of material fact and/or omitted to state material facts necessary to make a statement contained therein not misleading.

26. All documents relating to your allegations that Defendants had advance knowledge of the results of the ENHANCE clinical trial.

27. All documents relating to your allegation that the market for Merck securities is efficient.

28. All documents relating to any communications between you and any confidential witnesses about the subject matter of Plaintiffs' claims against Defendants.

29. All documents relating to any of the individuals identified in (a) Plaintiffs' Rule 26 Disclosures; (b) Defendants' Rule 26 Disclosures; (c) Defendants' Responses to Plaintiffs' First Set of Interrogatories; and (d) the Rule 26 Disclosures of any other plaintiffs in the five other coordinated Vytorin-related litigations pending before Judge Cavanaugh.

**TOMPKINS, MCGUIRE, WACHENFELD &  
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By: Wm Trousdale

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